

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JONATHAN O'DUFFY, an individual,
Plaintiff,

vs.

MAGIC LEAP, INC., a Delaware
Corporation.,
Defendant.

Case No. 2:21-cv-01433

**NOTICE OF REMOVAL TO
FEDERAL COURT PURSUANT TO
28 U.S.C. §§ 1441 AND 1446**

**TO: THE UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF WASHINGTON;**

**AND TO: PLAINTIFF JONATHAN O'DUFFY AND HIS ATTORNEYS OF
RECORD:**

PLEASE TAKE NOTICE that, pursuant to 28 USC §§1441 and 1446, Defendant Magic Leap, Inc. hereby remove to this Court the case now pending in King County Superior Court as *O'Duffy v. Magic Leap, Inc.*, Case No. 21-2-12870-6 SEA.

STATEMENT OF FACTS

1. On September 28, 2021, Plaintiff Jonathan O'Duffy filed King County Superior Court Case No. 21-2-12870-6 SEA against Magic Leap, Inc.

1 initial pleading. Defendant received a copy of the Complaint on September 28, 2021. The time
2 for removal does not expire until October 28, 2021.

3 **VENUE**

4 14. Venue of this action is proper in the Western District of Washington as this is the
5 district and division in which the State court action is pending. 28 U.S.C. § 1446(a).

6 **NOTICE OF REMOVAL TO STATE COURT**

7 15. Magic Leap, Inc. certifies that a true and correct copy of this Notice of Removal to
8 Federal Court will promptly be filed with the Clerk of the Superior Court of the State of
9 Washington for King County pursuant to 28 U.S.C. § 1446(d).

10 **CONCLUSION**

11 16. This Court has jurisdiction over these claims under 28 U.S.C. § 1332. Therefore,
12 this action may be removed to this court pursuant to 28 U.S.C. §§1441 and 1446.

13 17. Magic Leap, Inc. reserves the right to supplement or amend this Notice of Removal.

14 18. If any questions arise as to the propriety of the removal of this action, Magic Leap,
15 Inc. respectfully requests the opportunity to present a brief, with supporting evidence, and
16 requests oral argument supporting the removal of this action.

17 19. This Notice of Removal in no way constitutes a waiver of any jurisdictional defenses
18 to Plaintiff's claims; a waiver of any defense or contest to the validity and effectiveness of
19 service of process upon any defendant; a waiver of the statute of limitations defense; or a waiver
20 of any other defenses or challenges to the Complaint.

21 20. This notice of removal is signed pursuant to FRCP 11.

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1 WHEREFORE, Magic Leap, Inc. prays that this civil action be removed from the
2 Superior Court of the State of Washington for the County of King to the United States District
3 Court for the Western District of Washington.
4

5 DATED this 20th day of October, 2021.

6 DAVIS ROTHWELL
7 EARLE & XOCHIHUA, PC

8 

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15 Of Attorneys for Defendant
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CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2021, I caused the foregoing document to be sent via email and first class mail, and to be filed with the Clerk of the United States District Court for the Western District of Washington using the CM/ECF Filing System which will send notification of such filing to:

Plaintiff's Counsel

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Of Attorneys for Plaintiffs

EXECUTED this 20th day of October, 2021, at Portland, Oregon.

/s/ Geannie M. Sehorn
Geannie M. Sehorn, Legal Assistant